The Evening Star
With Sunday Morning Edition
Published by THE EVENING STAR NEWSPAPER CO., Washington, D. C.
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The Staggers-Stanton Show

Freedom of the press, which cannot for a moment be taken for granted these days, faces another classic test, this time on the floor of the House of Representatives. The members will decide whether to back their Commerce Committee and cite the Columbia Broadcasting System and its president, Frank Stanton, for contempt of Congress.

At issue is the attempt of the committee to subpoena film that was made in the course of producing a CBS News documentary, "The Selling of the Pentagon," but was not used in the finished version. CBS has refused to provide the unused material, seeing the congressional intrusion into its editing process as an attack on its First Amendment right to practice untrammeled journalism.

The television network, in our book, has an overriding constitutional argument that a majority of the House members should uphold, at the cost of rebuffing their committee. The unused film is the equivalent of reporters' notes and other unpublished newspaper materials, which the newspapers have been at pains to protect from governmental seizure. The emergence of government as a newsroom presence—a second-guesser of editorial decisions and an overseer of confidential relationships between newsmen and their sources—would effectively end the independent role of the press as envisioned by the Founding Fathers.

Commerce Committee Chairman Harley Staggers of West Virginia has chosen to overlook the journalistic function of the electronic news medium, to which constitutional protection should apply. He stresses instead the vulnerability of television as a federally regulated industry using the public air waves. The attempt to cast Stanton and CBS outside the pale of the First Amendment is unfair and, more pertinently, unrealistic in the light of the heavy news responsibility that radio and television have assumed in recent decades. It also would be against the interest of the country to transform broadcast journalists into timid, licensed puppets of the government.

It is beside the point whether "The Selling of the Pentagon," which criticized Department of Defense public relations practices, was a perfectly edited documentary. (It was not, and its critics have been outspoken in saying so.) The question is whether it is preferable in a democracy to have an electronic news establishment free to criticize government or beholden to government for its continued existence.

The House should discard the Staggers committee recommendation as an ill-advised adventure in news regulation. That would save the courts from having to pass judgment on the controversy—a judgment that we are confident would uphold CBS.